

Public Comments Received by DSA-SS During the 2007 CBC Adoption Process

The following public comments were received by DSA-SS during the 2007 CBC adoption process. The unresolved comments (#1, #2, #3, #4, and #9) must be assessed for development of interim policy or code change proposal.

The following pages include excerpts of DSA-SS's "final statement of reasons" document filed with the Building Standards Commission as part of the rulemaking file, and indicate each public comment and DSA's response (which indicates that we will assess the comments for an interim policy or future code change proposal).

PROPOSED PROCESS FOR DISPOSITION OF UNRESOLVED COMMENTS

1. DSA-AB's Inspection & Testing Committee and DSA staff review of comments #1, #2, #3, #4, and #9 (notify commenter of each comment at commencement of study)
2. Develop response to commenter, or develop DSA Policy (e.g. Circular or IR); or
3. Develop code change proposal (to be reviewed by Codes & Standards Committee?)

INDEX OF COMMENTS (12 comments received, categorized as follows)

Unresolved Comments (2007 CBC as approved does not address concerns)

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Resolved Comments (2007 CBC as approved does address concerns):

- #8. Sections 1701A.5 and 1704A.1.2 (project inspector terminology).....Page 7
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Comment #1 - DSA-SS 02/06 Ware - Sections 1408.2 and 1408.2.1

Commenter: David Ware, Owens Corning

Mr. Ware proposed revisions to existing amendments in Section 1408.2 and Section 1408.2.1 as follows, which would add new amendment text to 1408.2 and repeal existing amendment text in 1408.2.1 (proposed revisions are indicated in double underline and double strike-out format):

Section 1408.2 Adhered Veneer. Units of tile, masonry, stone or terra cotta which exceed 5/8" (16 mm) in thickness and are greater than 15 psf shall be applied as for anchored veneer where used over exitways or more than 20 feet in height above adjacent ground elevation.

Commenter's Reason: The rationale for this comment regarding 1408.2 is non-conformance with criteria #4 and #6 of the nine-point criteria. The existing amendment arbitrarily limits types of units based on size rather than structural integrity or weight. The applicable referenced standard ACI 530 limits the weight of adhered units to 15 psf.

Section 1408.2.1 Bond Strength and Tests. Veneer shall develop a bond to the supporting element ~~backing of sufficient strength to provide a working shear stress of 50 psi (690 kPa) in accordance with ACI 530, Section 6.3.2.4.~~

~~Not less than two shear tests shall be performed for the adhered veneer between the units and the supporting element. At least one shear test shall be performed at each building for each 5,000 square feet (465 m²) of floor area or fraction thereof.~~

Commenter's Reason: The rationale for this comment regarding 1408.2.1 is non-conformance with criteria #6 and #7 of the nine-point criteria. Using building size criteria to determine the number of test samples is arbitrary, and should be based on surface area of veneer. Also, there is no reference given to a nationally recognized in-field test procedure.

DSA Response:

These public comments do not address DSA's proposed modifications to the existing amendments. At this time, DSA-SS can not propose substantive modifications to the existing amendment as requested, as Government Code §11346.45 requires the proposing state agency to include all parties affected by a proposed code change during the code change development process, which concluded in May 2006. DSA/SS will take this comment under consideration during a subsequent rulemaking cycle.

In the interim, DSA will develop a written interpretation, as authorized by Education Code §17308 (d), which clarifies the intent of the regulations and addresses the expressed concerns to the extent possible. DSA currently recognizes ASTM C 482 *Standard Test Method for Bond Strength of Ceramic Tile to Portland Cement Paste* as an accepted laboratory test method of field-prepared mockups. DSA has not experienced any significant problems with the use of this standard, other than with the test load criteria prescribed in the 2001 CBC (100 psi minimum bond strength), which is being revised to 50 psi to align with the criteria in the referenced standard ACI 530.

Comment #2 - DSA-SS 02/06 Cherrier - Section 1704A.1

Commenter: Robert Cherrier, BSK Associates Inc.

Mr. Cherrier proposed revisions to Section 1704A.1 as follows, which would repeal model code text and add new amendment text regarding employment and qualification criteria of the project testing and inspection agency (proposed revisions are indicated in double underline and double strike-out format):

1704A.1 General. Where application is made for construction as described in this section, ~~the owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more special inspectors to provide inspections during construction on the types of work listed under Section 1704A. The special inspector shall be a qualified person who shall demonstrate competence, to the satisfaction of the building official,~~ the school district shall employ an approved testing and inspection firm. The approved firm must meet ASTM A329 including the requirement of a professional engineer with five years of material testing and inspection experience. The Quality Control Plan of the approved firm must ensure that only qualified inspectors are used. for inspection of the particular type of construction or operation requiring special inspection.

Commenter's Reason: The rationale for this comment regarding Section 1704A.1 is non-conformance with criteria #3 (public interest) of nine-point criteria. Often the agents of the school district are basing consultant selection on price only. The Field Act requires that public schools should be built to a higher standard. Therefore consultant selection should continue to be performed by the districts that are ensuring that a qualification based selection criteria is applied. The only way to ensure that the inspections are of the highest quality is to select an approved agency that subjects inspectors to the professional engineering supervision and control of a firm that meets ASTM E 329.

DSA Response:

This public comment does not address DSA's proposed modifications to the model code language (Section 1704.1 of the 2006 edition *International Building Code*). At this time, DSA-SS can not propose substantive modifications to the model code text as requested, as Government Code §11346.45 requires the proposing state agency to include all parties affected by a proposed code change during the code change development process, which concluded in May 2006. DSA/SS will take this comment under consideration during a subsequent rulemaking cycle.

It should be noted that DSA has proposed a 15-day modification to Section 1704A.1 as follows (15 day modifications are indicated in double underline and double strike-out format):

1704A.1 General. Where application is made for construction as described in this section, the owner ~~or the registered design professional in responsible charge acting as the owner's agent~~ shall employ one or more special inspectors to provide inspections during construction on the types of work listed under Section 1704A. ...

Rationale: The purpose of the 15 day modification is to align Section 1704A.1 with Title 24, Part 1 requirements regarding special inspection. Title 24, Part 1, Section 4-333 (b) does not provide for employment of special inspectors by the design professional in responsible charge, and requires that the costs for special inspection be paid by the school board.

Comment #3 - DSA-SS 02/06 Cherrier - Section 1704A.3.1.1

Commenter: Robert Cherrier, BSK Associates Inc.

Mr. Cherrier proposed revisions to Section 1704A.3.1.1 as follows, which would repeal existing amendment text prescribing qualification criteria for welding inspectors (proposed revisions are indicated in double underline and double strike-out format):

1704A.3.1.1 Inspection of Welding.

...
~~The minimum requirements for a qualified welding inspector shall be as those for an AWS certified welding inspector (CWI), as defined in the provisions of the AWS QC1 - 1-96, Standard for AWS Certification of Welding Inspectors published by the American Welding Society. All welding inspectors shall be as approved by the enforcement agency.~~ The qualified welding inspector shall possess certification from a recognized organization such as ICC, AWS, or the Canadian Welding Bureau or equal. The inspector shall be an employee of the approved project testing and inspection firm.
...

Commenter's Reason: The rationale for this comment regarding Section 1704A.3.1.1 is non-conformance with criteria #4 (arbitrary, unreasonable, capricious) of nine-point criteria. The State of California should not be endorsing one certification body over another in the building codes. Many other organizations such as ICC provide welding inspection certification program that meets or exceeds the one developed by AWS. For example, the ICC certification includes a test on the building code while AWS does not. The inspector should be subject to the supervision and oversight of a professional engineer as required by ASTM E 329. The only way to ensure this important life safety issue is enforced is by having the welding inspector employed by the approved testing and inspection firm assigned to the project.

DSA Response:

This public comment does not address DSA's proposed modifications to the existing amendment. At this time, DSA-SS can not propose substantive modifications to the existing amendment as requested, as Government Code §11346.45 requires the proposing state agency to include all parties affected by a proposed code change during the code change development process, which concluded in May 2006. DSA/SS will take this comment under consideration during a subsequent rulemaking cycle.

Comment #4 - DSA-SS 02/06 Cherrier - Section 1704A.3.1.1

Commenter: Robert Cherrier, BSK Associates Inc.

Mr. Cherrier proposed revisions to Section 1704A.3.1.1 as follows, which would repeal existing amendment text regarding methods of inspection/testing by the welding inspector (proposed revisions are indicated in double underline and double strike-out format):

~~1704A.3.1.1 Inspection of Welding.~~

~~...~~
~~The inspector shall use all means necessary to determine the quality of the weld. The inspector may use gamma ray, magnaflux, trepanning, sonics or any other aid to visual inspection which the inspector may deem necessary to be assured of the adequacy of the welding.~~

Commenter's Reason: The rationale for this comment regarding Section 1704A.3.1.1 is non-conformance with criteria #6 (ambiguous or vague, in whole or part) of nine-point criteria. "All means necessary" could have multiple interpretations and is completely arbitrary. The present code is not meant to be prescriptive about means and methods of completion. The non-destructive testing mentioned is under the complete control of the laboratory professional engineer and it is his or her determination if adequate testing has been performed. The means and methods of the welding inspection is assured by having the inspector work for an approved testing and inspection firm with the oversight and Quality Control Plans required by ASTM E 329.

DSA Response:

This public comment does not address DSA's proposed modifications to the existing amendment. At this time, DSA-SS can not propose substantive modifications to the existing amendment as requested, as Government Code §11346.45 requires the proposing state agency to include all parties affected by a proposed code change during the code change development process, which concluded in May 2006. DSA/SS will take this comment under consideration during a subsequent rulemaking cycle.

Comment #9 - DSA-SS 02/06 Cherrier - Section 1701A.5

Commenter: Robert Cherrier, BSK Associates Inc.

Mr. Cherrier proposed revisions to Section 1701A.5 as follows, which would modify proposed amendment text regarding employment of special inspectors (proposed revisions are indicated in double underline and double strike-out format):

1701A.5 (Relocated from 1701A.1.1, CBC 2001) [For DSA-SS] In addition to the project inspector ~~inspector(s) of record~~ required by Title 24, Part 1, Section 4-333, the ~~school district owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more special inspectors~~ school district shall employ an approved testing and inspection firm who shall provide inspections during construction on the types of work listed under Chapters 17A, 18A, 19A, 20, 21A, 22A, 23, 25, 34, and noted in the special test, inspection and observation plan required by Sections 4-335 of Title 24, Part 1, of the California Building Standards Administrative Code.

Commenter's Reason: The rationale for this comment regarding Section 1701A.5 is non-conformance with criteria #3 (public interest) of nine-point criteria. Often the agents of the school district are basing consultant selection on price only. The Field Act requires that public schools should be built to a higher standard. Therefore consultant selection should continue to be performed by the districts that are ensuring that a qualification based selection criteria is applied. The only way to ensure that the inspections are of the highest quality is to select an approved agency that subjects inspectors to the professional engineering supervision and control of a firm that meets ASTM E 329.

DSA Response:

This public comment does not address DSA's proposed modifications to the existing amendment (Section 1701A.5). At this time, DSA-SS can not propose substantive modifications to the amendment as requested, as Government Code §11346.45 requires the proposing state agency to include all parties affected by a proposed code change during the code change development process, which concluded in May 2006. DSA/SS will take this comment under consideration during a subsequent rulemaking cycle.

It should be noted that DSA has proposed modifications to Section 1701A.5 in the 15 day public comment period as follows (15 day modifications are indicated in double underline and double strike-out format):

1701A.5 (Relocated from 1701A.1.1, CBC 2001) [DSA-SS] In addition to the project inspector ~~inspector(s) of record~~ required by Title 24, Part 1, Section 4-333, the ~~school district owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more special inspectors~~ who shall provide inspections during construction on the types of work listed under Chapters 17A, 18A, 19A, 20, 21A, 22A, 23, 25, 34, and noted in the special test, inspection and observation plan required by Sections 4-335 of Title 24, Part 1, of the California Building Standards Administrative Code.

Rationale: Section 1701A.5 - This change is necessary to provide consistency with Title 24 Part 1, (Sec. 4-333(b), 4-342), which uses the term "project inspector" instead of "inspector of record." Title 24, Part 1, (Section 4-333 (b)) does not provide for employment of special inspectors by the design professional in responsible charge, and requires that the costs for special inspection be paid by the school board.

Comment #8 - DSA-SS 02/06 Cherrier - Sections 1701A.5 and 1704A.1.2

Commenter: Robert Cherrier, BSK Associates Inc.

Mr. Cherrier proposed revisions to Section 1701A.5 and Section 1704A.1.2 to change the term "inspector of record" to "project inspector" as follows (proposed revisions are indicated in double underline and double strike-out format):

1701A.5 (Relocated from 1701A.1.1, CBC 2001) [For DSA-SS] In addition to the ~~project inspector~~ ~~inspector(s) of record~~ project inspector required by Title 24, Part 1, Section 4-333, ...

1704A.1.2 Report requirement. (Relocated from 1701A.3.2, CBC 2001) The ~~inspector(s) of record~~ ~~project inspector~~ and ~~Special~~ ~~special~~ inspectors shall keep records of inspections. The ~~inspector of record~~ ~~project inspector~~ and special inspector shall furnish inspection reports...

Commenter's Reason: The rationale for these comments regarding Sections 1701A.5 and 1704A.1.2 is non-conformance with criteria #1 (conflict, overlap or duplication of other building standards) of nine-point criteria. Title 24, Part 1 (Administrative Code), refers to (in multiple locations) the on-site inspector for DSA projects as the "project inspector." The introduction of a new term "inspector of record" will cause confusion with other inspectors such as the special inspector.

DSA Response:

DSA concurs with the comment, and has proposed modifications to Section 1701A.5 and Section 1704A.1.2 in the 15 day public comment period as follows (15 day modifications are indicated in double underline and double strike-out format):

1701A.5 (Relocated from 1701A.1.1, CBC 2001) [DSA-SS] In addition to the ~~project inspector~~ ~~inspector(s) of record~~ required by Title 24, Part 1, Section 4-333, ...

Rationale: Section 1701A.5 - This change is necessary to provide consistency with Title 24 Part 1, (Sec. 4-333(b), 4-342), which uses the term "project inspector" instead of "inspector of record."

1704A.1.2 Report requirement. (Relocated from 1701A.3.2, CBC 2001) The ~~inspector(s) of record~~ and ~~Special~~ ~~special~~ inspectors shall keep records of inspections. The ~~inspector of record~~ and special inspector shall furnish inspection reports...

Exception: [DSA-SS] The term "inspector of record" is synonymous with "project inspector".

Rationale: Section 1704A.1.2 - This change is necessary to provide consistency with Section 1701A.5 and Title 24, Part 1, Section 4-333 (b) and 4-342, which uses the term "project inspector" instead of "inspector of record." DSA is proposing the use of an "exception", as OSHPD also adopts this code section and they use the term "inspector of record."

Comment #12 - DSA-SS 02/06 Cherrier - Section 2105A.5

Commenter: Robert Cherrier, BSK Associates Inc.

Mr. Cherrier proposed revisions to Section 2105A.5 to change the referenced standard "ASTM C 109" to "UBC Historic Standard 21-16" as follows (proposed revisions are indicated in double underline and double strike-out format):

2105A.5 (Relocated from 2105A.3.4 Item #2, 2001 CBC) Mortar and grout tests.

...

~~Test specimens for mortar and grout shall be made as set forth in UBC Standards 21-16 and 21-18 ASTM C 109~~ UBC Historic Standard 21-16 and ASTM C 1019.

...

Note by commenter - An alternative would be to place directly in the section the language of UBC Standard 21-16. It is a very short standard.

Commenter's Reason: The rationale for this comment regarding Section 2105A.5 is non-conformance with criteria #6 (ambiguous or vague amendment text) of nine-point criteria. The referenced standard of ASTM C 109 is not applicable for sampling in field conditions. It is meant to be used under tightly controlled conditions of a laboratory. For example the specimens can only be molded between 68 and 79 degrees. This would preclude constructing any masonry except on days that meet that condition. In addition, specimens must be immediately put in a moist room and the flow of the mortar (another laboratory test) must be adjusted for each set. ASTM C 109 was never designed to be used in the field for any kind of contract compliance. UBC Standard 21-16 is the only workable field mortar test.

DSA Response:

DSA concurs with the comment, and has proposed modifications to Section 2105A.5 in the 15 day public comment period as follows (15 day modifications are indicated in double underline and double strike-out format):

2105A.5 (Relocated from 2105A.3.4 Item #2, 2001 CBC) Mortar and grout tests. These tests are to establish whether the masonry components meet the specified component strengths. At the beginning of all masonry work, at least one test sample of the mortar and grout shall be taken on three successive working days and at least at one-week intervals thereafter. ~~The samples shall be continuously stored in moist air until tested.~~ They shall meet the minimum strength requirement given in Sections 2103A.3 and 2103A.4 2103A.8 and 2103A.12 for mortar and grout, respectively. Additional samples shall be taken whenever any change in materials or job conditions occur, or whenever in the judgment of the architect, structural engineer or the enforcement agency such tests are necessary to determine the quality of the material.

~~Test specimens for mortar and grout shall be made as set forth in UBC Standards 21-16 and 21-18 ASTM C 109~~ 1586 and ASTM C 1019. ~~In making the mortar test specimens, the mortar shall be taken from the unit soon after spreading. After molding, the molds shall be carefully protected by a covering which shall be kept damp for at least 24 hours, after which the specimens shall be stored and tested as required for concrete cylinders.~~

~~In making grout test specimens, the masonry unit molds shall be broken away after the grout has taken its set, but before it has hardened. If an absorbent paper liner is used, the mold may be left in place until the specimen has hardened. The prisms shall be stored as required for concrete cylinders. They shall be tested in the vertical position.~~

Rationale: ASTM C 1586, rather than C 109, is the appropriate national standard for field quality assurance testing of mortar, including preconstruction and construction evaluation of

mortar properties (references ASTM C 780 for testing procedures). Note that the U.B.C. Standard 21-16 is contained only in Volume 3 of the 1997 Uniform Building Code, and is not continued in the 2006 International Building Code. DSA also understands that this ICBO standard has not been published elsewhere by the ICC, rendering it unavailable for adoption by DSA-SS.

The proposed repeal of provisions regarding sampling and handling is based on duplication and conflict with the requirements contained in the referenced standards (C 1586 and C 1019).

This change addresses comments by Mr. Robert D. Cherrier of BSK associates, inc. during the 45-day comment period.

Comment #5 - DSA-SS 02/06 C. Craig - Section 1704A.3.1.1

Commenter: Clifford Craig, Dynamic Consultants, Inc.

Mr. Craig proposed revisions to Section 1704A.3.1.1 as follows, which would repeal existing amendment text prescribing qualification criteria for welding inspectors (proposed revisions are indicated in double underline and double strike-out format):

~~1704A.3.1.1 Inspection of Welding.~~

~~...
The minimum requirements for a qualified welding inspector shall be as those for an AWS certified welding inspector (CWI), as defined in the provisions of the AWS QC1 - 1 96, Standard for AWS Certification of Welding Inspectors published by the American Welding Society. All welding inspectors shall be as approved by the enforcement agency.~~

Commenter's Reason: The rationale for this comment regarding Section 1704A.3.1.1 is non-conformance with criteria #4 (arbitrary, unreasonable, capricious) of nine-point criteria. The qualifications of the special inspector have been previously and adequately identified in section 1704A.1 and 1704A.3.1. It is not appropriate to set a minimum standard using a specific certification such as AWS-CWI. While there are other acceptable certification programs that can meet the criteria, it is not appropriate to set a minimum standard for qualifications of a special inspector in the code. It is more appropriate to let the code enforcement agency determine the qualifications needed to meet the evolving standard of practice.

The State of California should not be endorsing one certification body over another in the building codes. Even ASTM is abandoning this practice, due to the successful claims that it gives an unfair and unreasonable advantage to one or few organizations. ASTM is returning to using more generalized guidelines to define specific personnel qualification requirements. I would also submit that the supervising PE of an inspection agency should be allowed to determine the qualification of the special inspector under his/her supervision.

DSA Response:

This public comment does not address DSA's proposed modifications to the existing amendment. At this time, DSA-SS can not propose substantive modifications to the existing amendment as requested, as Government Code §11346.45 requires the proposing state agency to include all parties affected by a proposed code change during the code change development process, which concluded in May 2006. DSA/SS will take this comment under consideration during a subsequent rulemaking cycle.

Comment #7 - DSA-SS 02/06 M. Craig - Section 1704A.3.1.1

Commenter: Michelle Craig, Dynamic Consultants, Inc.

Ms. Craig proposed revisions to Section 1704A.3.1.1 as follows, which would repeal existing amendment text prescribing qualification criteria for welding inspectors (proposed revisions are indicated in double underline and double strike-out format):

~~1704A.3.1.1 Inspection of Welding.~~

~~...~~
~~The minimum requirements for a qualified welding inspector shall be as those for an AWS certified welding inspector (CWI), as defined in the provisions of the AWS QC1 - 1-96, Standard for AWS Certification of Welding Inspectors published by the American Welding Society. All welding inspectors shall be as approved by the enforcement agency.~~

Commenter's Reason: The minimum qualification for a welding inspector has previously been addressed in two locations in the code - Sections 1704A.1 and 1704A.3.1. It is inappropriate for any building code to promote a specific certification when multiple programs are not only available, but also appropriate for demonstrating a minimum level of competence. None of the other code provisions pertaining to special inspection identify a specific certification program as a means of establishing competence. The method is appropriately left to the determination of the code enforcement official. These sentences are an unnecessary expansion of the previously noted requirements for demonstrating competence, and needlessly restrictive as presented.

DSA Response:

This public comment does not address DSA's proposed modifications to the existing amendment. At this time, DSA-SS can not propose substantive modifications to the existing amendment as requested, as Government Code §11346.45 requires the proposing state agency to include all parties affected by a proposed code change during the code change development process, which concluded in May 2006. DSA/SS will take this comment under consideration during a subsequent rulemaking cycle.

Comment #6 - DSA-SS 02/06 C. Craig - Section 1704A.3.1.1

Commenter: Clifford Craig, Dynamic Consultants, Inc.

Mr. Craig proposed revisions to Section 1704A.3.1.1 as follows, which would repeal existing amendment text prescribing methods of inspection/testing by the welding inspector (proposed revisions are indicated in double underline and double strike-out format):

~~1704A.3.1.1 Inspection of Welding.~~

...

~~The inspector shall use all means necessary to determine the quality of the weld. The inspector may use gamma ray, magnaflux, trepanning, sonics or any other aid to visual inspection which the inspector may deem necessary to be assured of the adequacy of the welding.~~

Commenter's Reason: The rationale for this comment regarding Section 1704A.3.1.1 is non-conformance with criteria #1 (conflict, overlap or duplication of other building standards) of nine-point criteria. The interpretation of "all means necessary" has always been difficult for the special inspector to determine and is now appropriately covered in Section 1705A.2.3. This section states "the registered design professional in responsible charge shall identify the type and extent of each type of special inspection and each test." This is where the responsibility should be and is consistent with the practice presently used in the city and county jurisdictions throughout California.

DSA Response:

This public comment does not address DSA's proposed modifications to the existing amendment. At this time, DSA-SS can not propose substantive modifications to the existing amendment as requested, as Government Code §11346.45 requires the proposing state agency to include all parties affected by a proposed code change during the code change development process, which concluded in May 2006. DSA/SS will take this comment under consideration during a subsequent rulemaking cycle.

Comment #11 - DSA-SS 02/06 McDonnell - Section 1701A.5

Commenter: Martha McDonnell, Youngdahl Consulting Group, Inc.

Ms. McDonnell proposed revisions to Section 1701A.5 as follows, which would modify proposed amendment text regarding employment of special inspectors (proposed revisions are indicated in double underline and double strike-out format):

1701A.5 (Relocated from 1701A.1.1, CBC 2001) [For DSA-SS] In addition to the project inspector ~~inspector(s) of record~~ required by Title 24, Part 1, Section 4-333, the school district owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more special inspectors school district shall employ an approved testing and inspection firm who shall provide inspections during construction on the types of work listed under Chapters 17A, 18A, 19A, 20, 21A, 22A, 23, 25, 34, and noted in the special test, inspection and observation plan required by Sections 4-335 of Title 24, Part 1, of the California Building Standards Administrative Code.

Commenter's Reason: The rationale for this comment regarding Section 1701A.5 is non-conformance with criteria #3 (public interest) of nine-point criteria. Often the agents of the school district are basing consultant selection on price only. The Field Act requires that public schools should be built to a higher standard. Therefore consultant selection should continue to be performed by the districts that are ensuring that a qualification based selection criteria is applied. The only way to ensure that the inspections are of the highest quality is to select an approved agency that subjects inspectors to the professional engineering supervision and control of a firm that meets ASTM E 329.

DSA Response:

This public comment does not address DSA's proposed modifications to the existing amendment (Section 1701A.5). At this time, DSA-SS can not propose substantive modifications to the amendment as requested, as Government Code §11346.45 requires the proposing state agency to include all parties affected by a proposed code change during the code change development process, which concluded in May 2006. DSA/SS will take this comment under consideration during a subsequent rulemaking cycle.

It should be noted that DSA has proposed modifications to Section 1701A.5 in the 15 day public comment period as follows (15 day modifications are indicated in double underline and double strike-out format):

1701A.5 (Relocated from 1701A.1.1, CBC 2001) [DSA-SS] In addition to the project inspector ~~inspector(s) of record~~ required by Title 24, Part 1, Section 4-333, the school district owner or the registered design professional in responsible charge acting as the owner's agent shall employ one or more special inspectors who shall provide inspections during construction on the types of work listed under Chapters 17A, 18A, 19A, 20, 21A, 22A, 23, 25, 34, and noted in the special test, inspection and observation plan required by Sections 4-335 of Title 24, Part 1, of the California Building Standards Administrative Code.

Rationale: Section 1701A.5 - This change is necessary to provide consistency with Title 24 Part 1, (Sec. 4-333(b), 4-342), which uses the term "project inspector" instead of "inspector of record." Title 24, Part 1, (Section 4-333 (b)) does not provide for employment of special inspectors by the design professional in responsible charge, and requires that the costs for special inspection be paid by the school board.

Comment #10 - DSA-SS 02/06 McDonnell - Sections 1701A.5 and 1704A.1.2

Commenter: Martha McDonnell, Youngdahl Consulting Group, Inc.

Ms. McDonnell proposed revisions to Section 1701A.5 and Section 1704A.1.2 to change the term "inspector of record" to "project inspector" as follows (proposed revisions are indicated in double underline and double strike-out format):

1701A.5 (Relocated from 1701A.1.1, CBC 2001) [For DSA-SS] In addition to the project inspector ~~inspector(s) of record~~ project inspector required by Title 24, Part 1, Section 4-333, ...

1704A.1.2 Report requirement. (Relocated from 1701A.3.2, CBC 2001) The inspector(s) of record ~~project inspector and Special~~ special inspectors shall keep records of inspections. The ~~inspector of record~~ project inspector and special inspector shall furnish inspection reports...

Commenter's Reason: The rationale for these comments regarding Sections 1701A.5 and 1704A.1.2 is non-conformance with criteria #1 (conflict, overlap or duplication of other building standards) of nine-point criteria. Title 24, Part 1 (Administrative Code), refers to (in multiple locations) the on-site inspector for DSA projects as the "project inspector." The introduction of a new term "inspector of record" will cause confusion with other inspectors such as the special inspector.

DSA Response:

DSA concurs with the comment, and has proposed modifications to Section 1701A.5 and Section 1704A.1.2 in the 15 day public comment period as follows (15 day modifications are indicated in double underline and double strike-out format):

1701A.5 (Relocated from 1701A.1.1, CBC 2001) [DSA-SS] In addition to the project inspector ~~inspector(s) of record~~ required by Title 24, Part 1, Section 4-333, ...

Rationale: Section 1701A.5 - This change is necessary to provide consistency with Title 24 Part 1, (Sec. 4-333(b), 4-342), which uses the term "project inspector" instead of "inspector of record."

1704A.1.2 Report requirement. (Relocated from 1701A.3.2, CBC 2001) The inspector(s) of record and ~~Special~~ special inspectors shall keep records of inspections. The inspector of record ~~and~~ special inspector shall furnish inspection reports...

Exception: [DSA-SS] The term "inspector of record" is synonymous with "project inspector".

Rationale: Section 1704A.1.2 - This change is necessary to provide consistency with Section 1701A.5 and Title 24, Part 1, Section 4-333 (b) and 4-342, which uses the term "project inspector" instead of "inspector of record." DSA is proposing the use of an "exception", as OSHPD also adopts this code section and they use the term "inspector of record."